

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**MISTY A. ROGERS**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 1:09CV42-DAS**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security**

**DEFENDANT**

**FINAL JUDGMENT**

Pursuant to a hearing held before the undersigned United States Magistrate Judge, the court determined that this case should be remanded to the Commissioner of Social Security for additional proceedings. Specifically, the court found that the claimant was not adequately informed of her right to be represented by counsel at the hearing and that the claimant's waiver of counsel was invalid and resulted in prejudice to her. Furthermore, the claimant demonstrated that she was ultimately denied a full and fair hearing. Therefore, this case shall be remanded to the Commissioner with instructions to refer the matter to the ALJ for a new hearing and any other proceedings not inconsistent with this order.

The parties, having consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit,

**IT IS, THEREFORE, ORDERED AND ADJUDGED:**

That this case is hereby **REMANDED** to the Commissioner for further proceedings.

**THIS**, 4<sup>th</sup> day of March, 2010.

/s/ David A. Sanders  
U. S. MAGISTRATE JUDGE